

Notice of Allowability

Application No.

10/662,829

Examiner

Daniel Zirker

Applicant(s)

TAIPALE, JYRKI

Art Unit

1771

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Response dated 9/23/05.
2. ☒ The allowed claim(s) is/are 32-35.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in telephone interviews with Timothy Levstick on November 30 and December 1, 2005, and February 2, 2006.

IN THE SPECIFICATION

At page 1, first sentence insert after "July 12, 2001" the phrase --now abandoned--.

At page 5, line 22, delete "face" and insert therefore --base--.

The above amendment was made to correct an inadvertent translation error present in the priority document.

IN THE CLAIMS

32. A method for making a self-adhesive labelstock, the method comprising:
contacting wet paper made with pulp comprising chemical pulp with a smooth, hot surface for a time and temperature which is effective for providing an outer surface of the face paper with a finished surface for printing, the face paper also having an inner surface opposite the outer surface;

[applying an adhesive to the inner surface of the face paper;]

coating a releasable base layer with a release coating to provide a release coated base layer [paper];

Art Unit: 1771

applying an adhesive to the release coating on the release coated base layer;
and

laminating the [release] adhesive coated side of the base layer to the inner surface of the face paper [adhesive layer].

In claims 33, 34 and 35, line 1 of each, delete "shelf" and insert therefore –self--.

2. Restriction to one of the following inventions is required under 35 U.S.C. 121:

I. Claims 32-35, drawn to a method of making a self-adhesive labelstock, classified in class 427, subclass 207.1.

II. Claims 18-31, drawn to a self-adhesive labelstock and method of making an adhesive coated face paper, classified in class 428, subclass 343.

3. The inventions are distinct, each from the other because:

4. Inventions Group I and Group II are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects (MPEP § 806.04, MPEP § 808.01). In the instant case the different inventions differ in both the process and method of making by the presence of a release layer that is coated on a release liner, i.e. base paper, thus adding both a significant structural entity and accompanying additional process step, and as such are clearly different for purposes of patentability.

5. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

6. During telephone conversations with Timothy Levstik on November 30 and December 1, 2005, and February 2, 2006 a provisional election was made without traverse to prosecute the invention of Group I, claims 32-35. Affirmation of this election must be made by applicant in replying to this Office action. Claims 18-31 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

7. Cancel claims 18-31.

8. The following is an examiner's statement of reasons for allowance: The amendments to claim 32 find clear support in the specification at page 5, line 21 – page 6, line 2, while the amendments to claims 33-35 correct an obvious informality. Additionally, the Restriction Requirement is believed proper since the nonelected claims 25-31 all involve only two layered elements instead of the significantly more complex structures set forth in the allowed claims which are definitely not believed to be either disclosed or rendered obvious by any of the prior art of record or possible admissions made in the specification. Finally, as to claims 18-24 these are believed best handled in a Continuation application since they are believed to involve additional issues of patentability such as might be raised by prior art such as that set forth on the accompanying PTO Form 892.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel Zirker whose telephone number is 571-272-1486. The examiner can normally be reached on 5-4-8:30-6:00.

Art Unit: 1771

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrel Morris can be reached on 571-272-1478. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Daniel Zirker
Primary Examiner
Art Unit 1771

A handwritten signature in black ink that reads "Daniel Zirker". The signature is written in a cursive, flowing style.